

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

TONY VENTO DELOACH

PLAINTIFF

NO. 1:17CV00068-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the court are Plaintiff's motion [26] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [27]. For the reasons set out below, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [24] dated June 22, 2018, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$5,103.00 for his work before this court as well as \$50.29 for travel expenses on the grounds that Plaintiff was the "prevailing party" and the Commissioner's position was not "substantially justified." Defendant indicates she has no objection to Plaintiff's motion but, nevertheless, points out that any award should be made payable to Plaintiff and requests that the travel expenses be delineated separately.

The court, having thoroughly considered the motion, the response, and the applicable law, finds the requested award is reasonable, and no special circumstance would make the award unjust. The court further finds the travel expenses should be reimbursed as expenses and the total award should be made payable to Plaintiff.

THEREFORE, IT IS ORDERED:

That the Acting Commissioner shall promptly pay to Plaintiff a total of \$5,103.00 in attorney fees and \$50.29 for expenses for the benefit of counsel for Plaintiff.

This 28th day of August, 2018.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE